

**Executive Summary – Enforcement Matter – Case No. 50558**  
**Methodist Healthcare System of San Antonio, Ltd., L.L.P.**  
**RN103931549**  
**Docket No. 2015-0759-PST-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PST

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Texan Heart Hospital, 6700 West IH-10, San Antonio, Bexar County

**Type of Operation:**

Hospital with an emergency power generator and one petroleum underground storage tank ("UST")

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** September 4, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,612

**Amount Deferred for Expedited Settlement:** \$1,722

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,890

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 14, 2015

**Date(s) of NOE(s):** May 4, 2015

**Executive Summary – Enforcement Matter – Case No. 50558**  
**Methodist Healthcare System of San Antonio, Ltd., L.L.P.**  
**RN103931549**  
**Docket No. 2015-0759-PST-E**

***Violation Information***

1. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on January 31, 2013 [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST. Specifically, at least one fuel delivery was accepted without a valid delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].
3. Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the annual line leak detector and piping tightness tests [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. Conducted the annual line leak detector test on April 23, 2015 with passing results;
- b. Obtained a valid, current TCEQ delivery certificate on June 11, 2015; and
- c. Conducted the annual piping tightness test on July 7, 2015 with passing results.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 50558**  
**Methodist Healthcare System of San Antonio, Ltd., L.L.P.**  
**RN103931549**  
**Docket No. 2015-0759-PST-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Danielle Porras, Enforcement Division,  
Enforcement Team 7, MC R-12, (713) 767-3682; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Kevin C. Moriarty, President, Methodist Healthcare System of San  
Antonio, Ltd., L.L.P., 8109 Fredericksburg Road, San Antonio, Texas 78229  
James Gilman, General Counsel, Methodist Healthcare System of San Antonio, Ltd.,  
L.L.P., 8109 Fredericksburg Road, San Antonio, Texas 78229

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	11-May-2015	<b>Screening</b>	18-May-2015	<b>EPA Due</b>	
	<b>PCW</b>	14-Jul-2015				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Methodist Healthcare System of San Antonio, Ltd., L.L.P.		
<b>Reg. Ent. Ref. No.</b>	RN103931549		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	50558	<b>No. of Violations</b>	3
<b>Docket No.</b>	2015-0759-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Danielle Porras
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$8,250
---	-------------------	---------

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0.0%	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
---------------------------	------	-------------	--------------------------------	-----

Notes: No adjustment due to compliance history.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------	-------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	------	--------------	-------------------	-----

Total EB Amounts \$363  
Estimated Cost of Compliance \$418  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,250
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	4.4%	<b>Adjustment</b>	\$362
---	------	-------------------	-------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with violation nos. 1 and 3.

<b>Final Penalty Amount</b>	\$8,612
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,612
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$1,722
-----------------	-------	-----------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,890
------------------------	---------

Screening Date 18-May-2015

Docket No. 2015-0759-PST-E

PCW

Respondent Methodist Healthcare System of San Antonio, Ltd., L.L.P.

Policy Revision 4 (April 2014)

Case ID No. 50558

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103931549

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Danielle Porras

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment due to compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

<b>Screening Date</b>	18-May-2015	<b>Docket No.</b>	2015-0759-PST-E	<b>PCW</b>
<b>Respondent</b>	Methodist Healthcare System of San Antonio, Ltd., L.L.P.		<small>Policy Revision 4 (April 2014)</small>	
<b>Case ID No.</b>	50558	<small>PCW Revision March 26, 2014</small>		
<b>Reg. Ent. Reference No.</b>	RN103931549			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Danielle Porras			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)			
<b>Violation Description</b>	Failed to renew a previously issued underground storage tank ("UST") delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on January 31, 2013.			
<b>Base Penalty</b>			\$25,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual			
	Potential			
			<b>Percent</b>	0.0%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
		x		
			<b>Percent</b>	5.0%
<b>Matrix Notes</b>	100% of the rule requirement was not met.			
<b>Adjustment</b>			\$23,750	
			\$1,250	
<b>Violation Events</b>				
Number of Violation Events		837 Number of violation days		
<small>mark only one with an x</small>	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual	x		
	single event			
Three annual events are recommended.				
<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>		<b>Reduction</b>
		\$0		
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x	(mark with x)		
<b>Notes</b>	The Respondent came into compliance on June 11, 2015, after the Settlement Offer dated June 10, 2015.			
<b>Violation Subtotal</b>			\$3,750	
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>		<b>Violation Final Penalty Total</b>		
\$232		\$3,915		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$3,915	

# Economic Benefit Worksheet

**Respondent** Methodist Healthcare System of San Antonio, Ltd., L.L.P.  
**Case ID No.** 50558  
**Reg. Ent. Reference No.** RN103931549  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$100	14-Apr-2015	11-Jun-2015	0.16	\$1	n/a	\$1
Other (as needed)				0.00	\$0	n/a	\$0

### Notes for DELAYED costs

Estimated cost to renew a delivery certificate by submitting a properly completed UST Registration and Self-Certification form. The Date Required is the investigation date and the Final Date is the compliance date.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	31-Jan-2013	14-Apr-2015	3.12	\$31	\$200	\$231
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Estimated avoided cost (\$100 per full year) to accurately prepare and submit a UST Registration and Self-Certification form and obtain a valid, current TCEQ delivery certificate. The Date Required is the expiration date of the delivery certificate and the Final Date is the investigation date.

Approx. Cost of Compliance

\$300

TOTAL

\$232



<b>Screening Date</b>	18-May-2015	<b>Docket No.</b>	2015-0759-PST-E	<b>PCW</b>
<b>Respondent</b>	Methodist Healthcare System of San Antonio, Ltd., L.L.P.		<small>Policy Revision 4 (April 2014)</small>	
<b>Case ID No.</b>	50558	<small>PCW Revision March 26, 2014</small>		
<b>Reg. Ent. Reference No.</b>	RN103931549			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Danielle Porras			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)			
<b>Violation Description</b>	<p>Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST. Specifically, at least one fuel delivery was accepted without a valid delivery certificate.</p>			
<b>Base Penalty</b>			\$25,000	

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>					
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
	Actual					
	Potential			x	<b>Percent</b>	3.0%

  

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	
				<b>Percent</b>
				0.0%

**Matrix Notes**

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

  

**Adjustment**

\$24,250

  

\$750

  

**Violation Events**

Number of Violation Events	1		1	Number of violation days
----------------------------	---	--	---	--------------------------

  

<small>mark only one with an x</small>	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

  

One single event is recommended.

  

**Good Faith Efforts to Comply**

	0.0%			<b>Reduction</b>	\$0
--	------	--	--	------------------	-----

  

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

  

**Notes**

The Respondent came into compliance on June 11, 2015, after the Settlement Offer dated June 10, 2015.

  

**Violation Subtotal**

\$750

  

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$0			<b>Violation Final Penalty Total</b>	\$783
----------------------------	-----	--	--	--------------------------------------	-------

  

**This violation Final Assessed Penalty (adjusted for limits)**

\$783

# Economic Benefit Worksheet

**Respondent** Methodist Healthcare System of San Antonio, Ltd., L.L.P.  
**Case ID No.** 50558  
**Reg. Ent. Reference No.** RN103931549  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit included in violation no. 1.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

<b>Screening Date</b>	18-May-2015	<b>Docket No.</b>	2015-0759-PST-E	<b>PCW</b>
<b>Respondent</b>	Methodist Healthcare System of San Antonio, Ltd., L.L.P.			Policy Revision 4 (April 2014)
<b>Case ID No.</b>	50558			PCW Revision March 26, 2014
<b>Reg. Ent. Reference No.</b>	RN103931549			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Danielle Porras			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a)			
<b>Violation Description</b>	Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the annual line leak detector and piping tightness tests.			
			<b>Base Penalty</b>	\$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		Harm			
	Release	Major	Moderate	Minor	
	Actual				<b>Percent</b> 15.0%
Potential	x				

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

**Matrix Notes** Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$21,250

  

\$3,750

  

**Violation Events**

Number of Violation Events	1	365	Number of violation days
----------------------------	---	-----	--------------------------

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

One annual event is recommended for the 12-month period preceding the investigation date of April 14, 2015.

**Violation Base Penalty** \$3,750

  

<b>Good Faith Efforts to Comply</b>	0.0%	<b>Reduction</b>
-------------------------------------	------	------------------

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes** The Respondent came into compliance on July 7, 2015, after the Settlement Offer dated June 10, 2015.

**Violation Subtotal** \$3,750

  

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
---	-----------------------------

Estimated EB Amount	\$131	<b>Violation Final Penalty Total</b>
		\$3,915
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$3,915

# Economic Benefit Worksheet

**Respondent** Methodist Healthcare System of San Antonio, Ltd., L.L.P.  
**Case ID No.** 50558  
**Reg. Ent. Reference No.** RN103931549  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$118	14-Apr-2014	7-Jul-2015	2.15	\$13	\$118	\$131
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual line leak detector and piping tightness tests. The Date Required is one year prior to the investigation date and the Final Date is the compliance date.

Approx. Cost of Compliance

\$118

TOTAL

\$131

The TCEQ is committed to accessibility.  
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600327514, RN103931549, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600327514, Methodist Healthcare System of San Antonio, Ltd., L.L.P.	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 4.87
<b>Regulated Entity:</b>	RN103931549, Texas Heart Hospital	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	1	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	09 - Construction		
<b>Location:</b>	6700 West Interstate Highway 10 SAN ANTONIO, TX 78201-2009, BEXAR COUNTY		
<b>TCEQ Region:</b>	REGION 13 - SAN ANTONIO		
<b>ID Number(s):</b>	PETROLEUM STORAGE TANK NON REGISTERED ID NUMBER 75973		
<b>Compliance History Period:</b>	September 01, 2009 to August 31, 2014	<b>Rating Year:</b> 2014	<b>Rating Date:</b> 09/01/2014
<b>Date Compliance History Report Prepared:</b>	May 18, 2015		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	May 18, 2010 to May 18, 2015		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	Danielle Porras		<b>Phone:</b> (713) 767-3682

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) If **YES** for #2, who is the current owner/operator? Methodist Healthcare System of San Antonio, Ltd., L.L.P. OWNER OPERATOR since 1/1/2011
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? Heart Hospital of San Antonio OWNER since 6/1/2002  
HEART HOSPITAL OF SAN ANTONIO LP, OWNER OPERATOR, 8/1/2006 to 12/31/2010
- 5) If **YES**, when did the change(s) in owner or operator occur? 1/1/2011

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

N/A

#### **B. Criminal convictions:**

N/A

#### **C. Chronic excessive emissions events:**

N/A

#### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	May 30, 2012	(1007195)
--------	--------------	-----------

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
METHODIST HEALTHCARE  
SYSTEM OF SAN ANTONIO,  
LTD., L.L.P.  
RN103931549**

**§ BEFORE THE  
§  
§  
§ TEXAS COMMISSION ON  
§  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-0759-PST-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Methodist Healthcare System of San Antonio, Ltd., L.L.P. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a hospital with an emergency power generator and one petroleum underground storage tank ("UST") at 6700 West Interstate Highway 10 in San Antonio, Bexar County, Texas (the "Facility").
2. The Respondent's one UST is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 9, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eight Thousand Six Hundred Twelve Dollars (\$8,612) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Eight Hundred Ninety Dollars (\$6,890) of the administrative penalty and One Thousand Seven Hundred Twenty-Two Dollars (\$1,722) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Conducted the annual line leak detector test on April 23, 2015 with passing results;
  - b. Obtained a valid, current TCEQ delivery certificate on June 11, 2015; and
  - c. Conducted the annual piping tightness test on July 7, 2015 with passing results.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii), as documented during an investigation conducted on April 14, 2015. Specifically, the delivery certificate expired on January 31, 2013.



2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during an investigation conducted on April 14, 2015. Specifically, at least one fuel delivery was accepted without a valid delivery certificate.
3. Failed to provide release detection for the pressurized piping associated with the UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on April 14, 2015. Specifically, the Respondent had not conducted the annual line leak detector and piping tightness tests.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Methodist Healthcare System of San Antonio, Ltd., L.L.P., Docket No. 2015-0759-PST-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission or the Executive Director. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

10/19/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

7/27/15  
Date

JAMES GILMAN  
Name (Printed or typed)  
Authorized Representative of  
Methodist Healthcare System of San Antonio, Ltd., L.L.P.

General Counsel  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.